



Image A/2873

Docket No.: X0410.0063/P063
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Richard Hirshman et al.

Application No.: 08/780,878

Group Art Unit: 2873

Filed: January 9, 1997

Examiner: H. X. Dang

For: METHOD AND KIT FOR ATTACHING
SIDE SHIELDS TO EYEGLOSS TEMPLES

RESPONSE TO FINAL REJECTION IN REISSUE APPLICATION

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the sole rejection set forth in the Office Action mailed January 16, 2004 be withdrawn. The rejection was based on the fact that the petitions to accept late payment of the maintenance fee had been dismissed. However the petition was granted on March 26, 2004 as can be seen by the attached copy.

In light of the reinstatement of the patent, the sole remaining reason for rejecting this reissue application has been eliminated. Accordingly, a Notice of Allowance is respectfully solicited.

Dated: April 2, 2004

Respectfully submitted,

By Edward A. Meilman —

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Registration No.: 24,735

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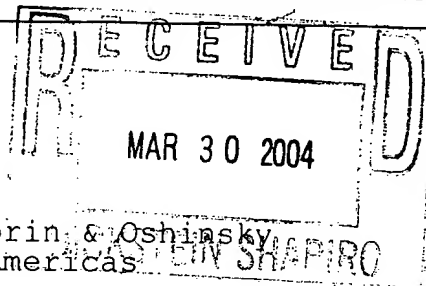
(212) 835-1400

Attorney for Applicant

Encl.: decision on petition

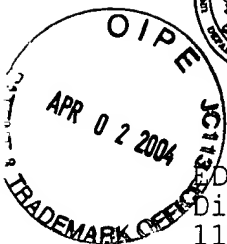


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Paper No. 19



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MAR 26 2004

OFFICE OF PETITIONS
ON PETITION

In re Application of
Hirschman et al.
Application No. 08/513,603
Filed: August 10, 1995
Patent No. 5,543,864
Issued: August 6, 1996
Title of Invention: IMPROVED METHOD
AND KIT FOR ATTACHING SIDE
SHIELDS TO EYEGLOSS TEMPLES

This is a decision on the Request for Reconsideration under 37 CFR 1.378(e), filed on September 10, 2003, and supplemented in a Response to Requirement for Information, filed December 16, 2003, requesting reconsideration of a prior decision which refused to accept under 37 CFR § 1.378(b) the delayed payment of a maintenance fee for the above-referenced patent.

The petition is granted.

In light of the showing of record, it is concluded that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be timely paid.

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

This patent file is being returned to the Files Repository.

It is noted that Patentee has submitted both the surcharge for a late payment within six months and a surcharge after expiration - late payment unavoidable. The surcharge for a late payment within six months is inapposite, and refund of this surcharge should be requested through the Office of Finance, Refund Section. A copy of this decision should accompany the request.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Derek L. Woods
Petitions Attorney
Office of Petitions

DSMO FILE NO. X0410.0050
Grace Period
DUE: Aug 6, 2004
C/L: _____
ENTERED BY: JAN
ATTY: RAM